



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,524	10/10/2001	Gary N. Mager	41051.P008	9368

7590

08/16/2004

COLUMBIA IP LAW GROUP, PC
Suite 109
4900 SW Meadows Road
Lake Oswego, OR 97035

EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,524

Applicant(s)

MAGER ET AL.

Examiner

Meless N Zewdu

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-61 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 16-19, 25-30, 32-35, 37-39, 45-47 and 62 is/are rejected.
- 7) ☒ Claim(s) 7, 11-15, 20-24, 31, 36 and 40-44 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This action is the first on the merit of the instant application.
2. Claims 1-62 are pending in this action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the method claim does not show a step or steps by which the wireless communication device and the one or more additional wireless communication devices are connected or related. With this missing step or steps it is not clear to see how the devices cooperate to display the recited luminescent representation of the audience assisted image.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The wireless communication device of claim, as examiner understands, is a mobile communication device that receives an image data from a server using the method recited therein. But, claim 2, as examiner understands, is directed to the server, because the mobile device isn't capable of distributing the image

Art Unit: 2683

data to itself and other device. Therefore, it is vague to which device the method of claim is applied.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: there is no structurally cooperative relationship established between the wireless communication device and one or more other wireless devices that enables them to display synchronized luminescent patterns as claimed.

Claim 62 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the at least one light emitting device and the one or more wireless communication devices require showing of structural cooperative relationship so that they can be synchronized. As the claim stands now, it is not clear how the recited synchronization occurs between the mentioned devices that do not have cooperative relationship.

Claim 30 recites the limitation "the mobile communication device" in lines 5 and 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 10, 16-18, 30, 32-35 and 45-47 are rejected under 35

U.S.C. 102(e) as being anticipated by Ortiz et al. (Ortiz) (US 2002/0063799 A1).

As per claim 1: in a wireless communication device, a method comprising:

Receiving data representing a set of one or more picture elements of an audience assisted image, the data transmitted to the wireless communication device to facilitate coordinated display of a luminescent representation of a portion of the audience assisted image by the wireless communication device in cooperation with one or more additional wireless communication devices reads on '799 (see figs. 5-9, element 60; page 5, paragraphs 0064-0069; page 6, paragraphs 0071-0074; page 12, paragraphs 0142-0147; page 14, claims 1-5). The **whole** includes the **portion**. Furthermore, more than one wireless devices are shown or described (see also fig. 18), which can be considered cooperatively receiving data of venue activities for attendees of sports event in a stadium. Also, as described above, claim 1 does not provide the

means or step for the wireless communication device to cooperate with one or more additional wireless communication devices.

Generating the luminescent representation based at least in part the received data reads on '799 (see page 5, paragraph 0067; page 14, claim 1).

As per claim 3: the method wherein said data is received wirelessly from a communication server reads on '799 (see figs. 5 and 6, element 100; page 6, paragraphs 0074-0075).

As per claim 4: the method wherein said data representing the set of one or more picture elements is received based upon feedback provided by a user to the communication server reads on '799 (see pages 12-13, paragraph 0149).

As per claim 5: the method wherein said data is received in digital form reads on '799 (see page 13, paragraphs 0155-0157).

As per claim 6: the method wherein said data is received through at least one of an electrical, magnetic, and a mechanical coupling reads on '799 (see figs. 5-9; page 6, paragraphs 00074-0080).

As per claim 10: the method further comprising:

Generating a second luminescent representation based at least in part upon the received data reads on '799 (see page 6, paragraph 0075). According to the prior art, the video images of the venue, stored in server is/are transmitted to a wireless device upon request and based on its location (see pages 12-13, paragraph 0149).

As per claim 16: the method wherein said data comprises real time data reads on '799 (see page 6, paragraph 0074-0075).

As per claim 17: the method wherein the audience assisted image comprises a single crowd pattern reads on '799 (see page 10, paragraphs 0019-0123).

As per claim 18: the method wherein the audience assisted image comprises a sequence of crowd patterns synchronized to convey a luminescent animation reads on '799 (see abstract; page 10, paragraph 0019; pages 12-13, paragraph 0149-0151). The venue data includes the crowd.

As per claim 30: a wireless communication device comprising:

A machine readable medium having stored thereon a plurality of instructions, which when executed, cause the wireless communication device to receive data representing a set of one or picture elements of an audience assisted image, the data transmitted to the mobile communication device to facilitate coordinated display of a luminescent representation of a portion of the audience assisted image by the mobile communication device in cooperation with one or more additional mobile communication devices reads on '799 (see abstract; figs. 5-9, elements 60 and 100 and fig. 18; page 5, paragraphs 0064-0069; page 6, paragraphs 0071-0074; page 12, paragraphs 0142-0147; page 14, claims 1-5). The **whole** includes the **portion**. Furthermore, more than one wireless communication devices are shown or described (see also fig. 18), which can be considered cooperatively receiving data of venue activities for attendees of sports event in a stadium.

Generating the luminescent representation based at least in part upon the received data reads on '799 (see page 5, paragraph 0067; page 14, claim 1). A

Art Unit: 2683

machine readable medium having stored thereon a plurality of instructions and a processor to execute said instruction must be inherent to the prior art system.

As per claim 32: the wireless communication device wherein said data is received wirelessly from a communication server reads on '799 (see fig. 7, elements 110 and 100).

As per claim 33: the wireless communication device wherein said data is received based upon feedback provided by a user to the communication server reads on '799 (see page 6, paragraph 0075).

As per claim 34: the wireless communication device wherein said data is received in digital form reads on '799 (see page 4, paragraph 0053).

As per claim 35: the wireless communication device wherein said data is received through at least one of an electrical, a magnetic, and a mechanical coupling reads on '799 (see figs. 5-9; page 6, paragraphs 00074-0080).

As per claim 45: the method wherein said data comprises real time data reads on '799 (see page 6, paragraph 0074-0075).

As per claim 46: the method wherein the audience assisted image comprises a single crowd pattern reads on '799 (see page 10, paragraphs 0019-0123).

As per claim 47: the method wherein the audience assisted image comprises a sequence of crowd patterns synchronized to convey a luminescent animation reads on '799 (see abstract; page 10, paragraph 0019; pages 12-13, paragraph 0149-0151). The venue data includes the crowd.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9, 19, 25, 37-39 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz in view of Rautiainen et al. (Rautiainen) (EP 1109147 A1) and further in view of Yamamoto et al. (Yamamoto) (US 6,466,183 B1). For examination purpose, claim 62 is considered first.

As per claim 62: Ortiz discloses a wireless communication device comprising utilizing TFT/LCD display, CPU and storage devices (see page 3, paragraphs 0045-0046). Furthermore, the disclosure further elaborates "other small-scale displays being developed" can be used, which can include LED. But, Ortiz does not explicitly teach about – means to selectively activate and deactivate the at least one light emitting device to display a luminescent pattern, as claimed by applicant. However, in a related field of endeavor, Rautiainen teaches about a system for controlling color illumination of a display region for an electronic device comprising a first LED for emitting light of a first color, a second LED, for emitting light of a second color and a controller for operating the first and second LEDs in a coordinated manner to selectively project into the display region a desired color different from either of the first and second colors (see abstract; fig. 3, element 54; col. 6, lines 23-50; col. 9, lines 6-22). Both the '147 and '799 display

Art Unit: 2683

devices belong to wireless mobile communication devices and are combinable and further the LEDs are suggested as can be used in conventional display screens (see col. 5, line 56-col. 6, line 7). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to replace the Ortiz's LCD display device with Rautiainen's LEDs for the advantage of altering the color illumination of the display region of Ortiz's handheld device/s, as taught by Rautiainen (see col. 1, lines 1-7).

But, Ortiz in view of Rautiainen do not explicitly teach about the –luminescent pattern to be synchronized with respect to other luminescent patterns displayed by one or more other wireless communication devices together with the wireless communication device displaying a luminescent pattern, as claimed by applicant. However, in a related field of endeavor, Yamamoto teaches about array of display devices can be used to show patterns of successive or still pictures using light emitting displays and controlling means (see col. 1, lines 13-24; col. 2, line 12-col. 3, line 58; col. 14, line 48-col. 15, line 3). Although the display of this later prior art are lined up for intended use of being watched by train passengers, they (the display device) can be positioned depending upon the intended object to be displayed. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the above references for the advantage of watching display pictures (Ortiz's venue activity) as successive moving pictures (real moving pictures) or still pictures for a portion (see col. 1, lines 6-11).

As per claim 8: the method wherein generating comprises:

 Illuminating in accordance with a predetermined pattern, one or more LEDs disposed upon said wireless communication device to visually convey the set of one or more pictures reads on '147 (see abstract).

As per claim 9: the method wherein at least a subset of the one or more LEDs illuminate in multiple colors reads on '147 (see abstract).

As per claim 19: in a wireless communication device, a method of displaying a portion of a luminescent image, the method comprising:

 Establishing a communication session with a communication server equipped to communicate with a plurality of wireless communication devices including said first wireless communication device reads on '799 (see figs. 5-9 and 18; page 5, paragraphs 0064-0069; page 6, paragraphs 0071-0074; page 12, paragraphs 0142-0147; page 14, claims 1-5). The **whole** includes the **portion**. Furthermore, more than one wireless devices are shown or described (see also fig. 18), which can be considered cooperatively receiving data of venue activities for attendees of sports event in a stadium.

 Indicating to the communication server, a location of the first wireless communication device reads on '799 (see page 6, paragraphs 0075-0076).

 Receiving from the communication server based upon said location, data representing one or more constituent luminescent patterns of said luminescent image reads on '799 (see page 7, paragraphs 0085-0089). But, Ortiz does not explicitly teach about a plurality of light emitting devices including, Illuminating one or more of said light

Art Unit: 2683

emitting devices based at least in part upon said received data such that the illuminated light emitting devices facilitate visual conveyance of the luminescent image by the wireless communication device in cooperation with said plurality of wireless communication devices, as claimed by applicant. Note: the claim calls for a plurality of wireless communication devices receiving and displaying location based image data from a server. If the wireless communication devices display the image data, they can be considered as cooperating. However, in a related field of endeavor, Rautiainen teaches that a plurality of LEDs can be provided to a wireless communication device for displaying an image data (see the entire document, particularly, abstract; col. 4, line 34-col. 5, line 10). If LEDs are used for displaying image on one wireless communication device, so do they in a plurality of other wireless communication devices. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Ortiz's LCD display system with the teaching of Rautiainen for the advantage of advantage of altering the color illumination of the display region of Ortiz's handheld device/s.

As per claim 25: the method wherein illuminating one or more of said light emitting devices further comprises successively illuminating one or more of said light emitting devices to facilitate visual conveyance of two or more constituent luminescent patterns sequentially to express said image as being animated reads on '779 (see figs. 5-9, and 18; abstract).

As per claim 37: the feature of claim 37 is similar to the feature of claim 8. Hence, claim 37 is rejected on the same ground and motivation as claim 8.

As per claim 38: the feature of claim 38 is similar to the feature of claim 9. Hence claim 38 is rejected on the same ground and motivation as claim 9.

As per claim 39: the wireless communication device, wherein said plurality of instructions further comprises instructions to generate a second luminescent representation based at least in part upon the received data reads on '799 (see page 6, paragraph 0075-0078).

Allowable Subject Matter

Claims 48-61 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 48-61: the claims are directed to the general area of location based image display in a wireless communication network. The prior art of record does not teach or fairly suggest sending a first portion of an audience assisted image to a first wireless device and a second portion of the audience assisted image to a second wireless device based on the location of the first and second wireless devices respectively and wherein the first and second portions of the audience assisted image are respectively displayed on the first and second wireless devices.

Claims 7, 11-15, 20-24, 36, 31, 40-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. The claim does not

provide the means or the step to carry out the recited synchronization between the devices mentioned therein as described in the rejection above.

Claims 2 and 27- 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Note: claims 2 and 27-29 are objected by virtue of being dependent upon claims 1 and 26 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

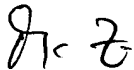
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu



Examiner

04 August 2004.



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600